

REMARKS

Applicant has carefully considered the October 15, 2007 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-12 are pending in this application. Claims 1-4 and 9-14 are allowed.

In response to the Office Action dated October 15, 2007, claims 5-8 have been amended. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicant submits that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 5-8 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses.

35 U.S.C. § 101 recites the following:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The U.S. Supreme Court has construed 35 U.S.C. § 101 broadly, noting that Congress intended statutory subject matter to “include anything under the sun that is made by man.” *Diamond v. Chakrabarty*, 447 U.S. 303, 309 (1980). The judicially created three exceptions to patentability of subject matter, under 35 U.S.C. § 101, are laws of nature, natural phenomena and abstract ideas. *Diamond v. Diehr*, 450 U.S. 175, 182, 185 (1981).

Independent claim 5 and its respective dependent claims have been amended to recite an output operation execution apparatus, rather than a system. Thus, it is believed that the rejection is moot in view of the foregoing amendments to claims 5-8. It should be evident that the present subject matter relates to an apparatus and, therefore, is statutory subject matter under 35 U.S.C. § 101. Therefore, the rejection under 35 U.S.C. § 101 is not legally viable and should be withdrawn.

Applicant acknowledges that claim 5 would be allowed if rewritten to overcome the foregoing rejection under 35 U.S.C. § 101. Claims 1-4 and 9-12 were also allowed. It is believed the first paragraph on page 5 of the Office action regarding claims 10-12 was in error, since no rejection under the second paragraph of 35 U.S.C. § 112 was presented in the Office action. Clarification by the Examiner is requested.

Applicant notes the Examiner's Statement of Reasons for Allowance included on page 3 of the Office action. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicant in the reasoning stated by the Examiner. The Statement of Reasons for Allowance should not be used to interpret the cited claims, particularly to the extent if any that the Statement of Reasons for Allowance may differ from the express language of the claims and/or the otherwise proper construction of those claims. It is respectfully submitted that the allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

It is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an

Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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